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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/339,059	06/23/1999	MORRIS E. LEWIS	LEWIS	2107

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EXAMINER

ROSEN, NICHOLAS D

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/339,059

Applicant(s)

LEWIS, MORRIS E.

Examiner

Nicholas D. Rosen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 26-69 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/1102.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Info for pro se applicant

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 26, 27-42, 43-48, 49, and 51-66, drawn to a method for remote purchasing, including interactively moving merchandise, classified in class 705, subclass 26.
- II. Claims 26, 50, 67, 68, and 69, drawn to a rebate system for causing rebates on purchases to be transferred to a purchaser's retirement account, classified in class 705, subclass 35.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as remote shopping with cameras, and manipulation of racks or platforms from which merchandise is suspended, or on which merchandise rests. See MPEP § 806.05(d).

Invention II has separate utility such as transferring rebates or portions of funds used to buy goods or services (not necessarily physical merchandise) to a purchaser's retirement account.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species of the claimed invention: I or II.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

A telephone call was made to Applicant's telephone number on December 9, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made. (Please refer to attached Interview Summary for further information.)

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the Examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 3625

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER

December 9, 2005

Proposed Examiner's Amendment for 09/339,059

25. A system for purchasing merchandise, while real-time interactively direct ordering or reordering by a plurality of purchasers, and for arranging rebates paid into retirement accounts, the system comprising:

(a) one or more purchasing cards, said purchasing cards identifying buyers, and one or more card readers;

(b) at least one sensor, each said at least one sensor comprising one or more product information detection or collection means;

(c) at least one opening or unsealing sub-system comprising data sensing means, goods or products opening means, goods or products unsealing means, and further comprising data conveying means;

(d) at least one buyer Purchase Appliance or buyer on-site computer system comprising one or more servers, one or more recording system modules, one or more alarm modules, one or more metering modules, one or more microprocessors, one or more universal barcode ROM microprocessor systems modules, one or more control/relay modules, one or more microprocessor buses, one or more computer/server buses, one or more control/relay buses, one or more power buses, and one or more auxiliary batteries;

(e) communication means by which said at least one sensor, at least one opening or unsealing means, and/or at least one remote ordering sub-system, communicates with the Purchase Appliance or on-site computer;

(f) one or more purchasing agent ordering sub-systems;

(g) one or more communication means by which said at least one buyer Purchase Appliance or on-site computer communicates with one or more seller Purchase Appliances;

(h) at least one seller Purchase Appliance or seller on-site computer system in communication with said at least one remote ordering sub-system, said seller Purchase Appliance or seller on-site computer system comprising one or more cameras, said seller Purchase Appliance or seller on-site computer further comprising means for receiving signals for the purchase of goods or services, said signals being received from at least one remote ordering sub-system;

(i) at least one Purchase hub computer comprising at least one database module or at least one relational database module or at least one look-up module;

(j) said at least one seller Purchase Appliance or seller on-site computer system being in communication with at least one remote product demonstration sub-system, or one or more seller showrooms, or one or more seller tradeshow booths; and

(k) said at least one remote product demonstration sub-system, seller showroom, or seller tradeshow booths containing or communicating with at least one merchandise display sub-system which allows real-time interactive remote viewing of physical merchandise, enabling at least one buyer to communicate with said at least one remote product demonstration sub-system, or one or more seller showrooms, or one or more seller tradeshow booths via said at least one seller Purchase Appliance or seller on-site computer, to view physical merchandise, enhancing said buyer's view of said physical merchandise by using said at least one seller Purchase Appliance or on-site computer to interactively move said physical merchandise; and

(l) said at least one merchandise display sub-system comprising at least one of a motorized revolving hanger rack or a motorized revolving platform, said physical merchandise being suspended from the motorized hanger rack or being located upon said motorized revolving platform, and said at least one merchandise display sub-system enabling the buyer to move said physical merchandise by remotely controlling said at least one of a motorized revolving hanger rack or a motorized revolving platform;

(m) whereby the one or more purchasing cards identifying buyers are credit, debit, or other funds transfer cards, by which funds are transferred from buyers' credit or debit accounts to sellers' accounts in payment for goods or services bought by buyers, and whereby a portion of said funds transferred from a buyer's credit or debit account when a purchase is made by that buyer are transferred to a second account of said buyer, said second account being an account for the benefit of said buyer in retirement.

27. The system of claim 25, the system being in communication with one or more financial institutions, comprising: one or more credit unions, one or more seller banks, or one or more purchaser account financial institutions.

33. The system of claim 25, wherein the at least one purchasing agent ordering subsystem comprises at least one means for arranging volume purchasing transactions by buyers, at least one Purchase hub computer, at least one means for arranging volume purchasing transactions by agents known as certified purchasing planners, or at least one certified purchasing planner computer.

37. The system of claim 25, wherein at least one Purchase hub computer comprises: at least organization module, at least one membership module, at least one broker module, at least one merchant module, at least one meter consumption module for goods and products, at least one monitoring alarm module for services, at least one control module, at least one purchasing module, at least one volume purchasing module, at least one excess inventory purchasing module, at least one excess capacity purchasing module, at least one rebate module, at least one saving account module, and at least one investing account module.

39. The system of claim 25, wherein said at least one buyer can also enhance said buyer's view of said physical merchandise by controlling the position of one or more cameras through which said physical merchandise is viewed.

40. The system of claim 25, wherein the one or more cameras comprised in said seller Purchase Appliance or seller on-site computer comprise at least one of a finger bracket camera, a cap camera, a covert camera, or a camera mounted on a tripod.

41. The system of claim 25, wherein said at least one buyer Purchase Appliance or buyer on-site computer system communicates with said at least one said seller Purchase Appliance or seller on-site computer by means of at least one of a direct wire, infrared signal transmission, optical signal transmission, or laser signal transmission.

42. The system of claim 25, wherein said at least one buyer Purchase Appliance or buyer on-site computer system is located in a buyer's home.

43. A system for implementing the purchase of merchandise, and for causing rebates to be credited to a retirement account of a buyer, the system comprising:

(a) at least one real-time interactive show-room containing interactive online video and/or audio capturing, processing, or recording means, merchandise displaying means, camera mounting or transversing means, communications, and purchasing facilitation means;

(b) at least one merchandise display case whereon merchandise is placed for real-time interactive online viewing of said merchandise;

(c) said at least one merchandise display case further comprising at least one camera, and means for dial-up real-time interactive viewing;

(d) means for lighting said at least one merchandise display case;

(e) means for changing a scene presented to remote viewers of said merchandise;

(f) means for enabling a remote buyer to interactively move said merchandise placed on said display case, enabling said remote buyer to vary or improve said remote buyer's view of said merchandise; and

(g) means for a remote buyer to transfer funds to a seller of said merchandise, in payment for purchase of said merchandise by the remote buyer, or in payment for purchase of other merchandise, or in payment for purchase of services;

(h) wherein a portion of said payment is rebated to an account of said buyer, said account being an account for the benefit of said buyer in retirement.

44. The system of claim 43, wherein said at least one real-time interactive show-room contains a closed circuit television purchasing system or elements thereof, the closed circuit television purchasing system including means for enabling cameras mounted on a track, in a dome, or on a stand, to pan, tilt, or zoom, signals from the cameras being processed or digitally recorded, thereby allowing real-time interactive online viewing of said at least one real-time interactive show-room.

45. The system of claim 43, wherein said at least one merchandise display case comprises track-mounted pan, tilt, or zoom cameras, or lights.

46. The system of claim 43, wherein said at least one real-time interactive show-room further comprises track-mounted pan, tilt, or zoom cameras, glass counters or show cases, system transmission or reception means, or at least one Purchase Appliance for control purposes, or for dial-up real-time interactive viewing purposes.

47. The system of claim 43, wherein said means for lighting said at least one merchandise display case and/or said means for changing a scene presented to remote viewers of said merchandise, comprise one or more of: track lights, multi-colored backlights, a white back-drop, or a rear view projection system.

48. The system of claim 43, wherein said means for enabling a remote buyer to interactively move said merchandise comprises: motorized rotating product hanger racks or motorized rotating product platforms.

49. A method for purchasing of goods, products or services, by one or a plurality of buyers, and arranging for rebates to be credited to retirement accounts of the buyer or buyers, the method comprising:

(a) inputting one or more purchasing cards into at least one card reader;

(b) operating at least one opening or unsealing sub-system comprising data sensing means, goods or products opening means, goods or products unsealing means, or data conveying means;

(c) communicating by at least sensor, at least one goods or products opening or unsealing means, or at least one remote ordering sub-system, with a Purchase Appliance or on-site computer;

(d) operating at least one buyer Purchase Appliance or buyer on-site computer comprising one or more servers, one or more recording system modules, one or more alarm modules, one or more metering modules, one or more microprocessors, one or more universal barcode ROM microprocessor systems modules, one or more control/relay modules, one or more microprocessor buses, one or more computer/server buses, one or more control/relay buses, one or more power buses, and one or more auxiliary batteries;

(e) operating at least one purchasing agent sub-system;

(f) said at least one buyer Purchase Appliance or on-site computer communicating with one or more seller Purchase Appliances;

(g) operating at least one seller Purchase Appliance or on-site computer system in communication with said at least one remote ordering sub-system, said seller Purchase Appliance or on-site computer comprising one or more cameras, said seller Purchase Appliance or on-site computer receiving from at least one remote ordering sub-system signals for the purchase of goods or services;

(h) viewing physical merchandise remotely and interactively by at least one buyer, said buyer using said at least one remote ordering sub-system to communicate with at least one remote product demonstration module via said at least one Purchase Appliance or on-site computer; and

(i) interactively moving, by at least one buyer, said physical merchandise, the moving of said physical merchandise being accomplished by remotely controlling at least one of a motorized revolving hanger rack or a motorized revolving platform, said physical merchandise being suspended from the motorized hanger rack or being located upon said motorized revolving platform;

(j) ordering said physical merchandise, or other physical merchandise, or services, by at least one buyer;

(k) transferring payment for merchandise or services from a first account of a buyer to an account of the seller of said merchandise or services; and

(m) transferring a portion of said payment to a second account of said buyer, said second account being an account for the benefit of said buyer in retirement.

51. The method of claim 49, further comprising processing of said one or more purchasing cards, wherein said processing comprises:

(k) processing smart cards, debit cards, or other payment cards for payment transactions or rebate transactions or investment transactions at a credit union; or

(l) processing smart cards, debit cards, or other payment cards for payment transactions or rebate transactions or investment transactions at a seller's bank; or

(m) processing smart cards, debit cards, or other payment cards for payment transactions or rebate transactions or investment transactions at any other financial institution.

52. The method of claim 49, wherein operating at least one sensor detects or collects product information.

58. The method of claim 49, wherein to effect purchase transactions, members of said purchasing agent sub-system communicate with at least one buyer Purchase Appliance or buyer on-site computer, or at least one seller Purchase Appliance or seller on-site computer, or at least one Purchase hub computer, or at least one agent known as a certified purchasing planner, with at least one certified purchasing planner computer.

59. The method of claim 49, further comprising automatically replenishing a stock of goods or products, wherein automatically replenishing a stock of goods or products comprises at least one seller Purchase Appliance or seller on-site computer communicating with said at least one remote ordering sub-system, said at least one seller

Purchase Appliance or seller on-site computer receiving signals for the purchase of goods or services, said signals being received from at least one remote ordering subsystem.

60. The method of claim 49, wherein real-time viewing of merchandise is carried out by said at least one seller Purchase Appliance or seller on-site computer communicating with at least one remote product demonstration module, or at least one seller's subsystem, said least one remote product demonstration module or at least one seller's subsystem being contained in at least one seller showroom, or at least one seller tradeshow booth.

62. The method of claim 49, further comprising said at least one shopper also enhancing said at least one shopper's view of said physical merchandise by controlling the position of one or more cameras through which said physical merchandise is viewed.

63. The method of claim 49, wherein interactive viewing of merchandise comprises a shopper viewing merchandise images obtained by at least one of a finger bracket camera, a cap camera, a covert camera, or a camera mounted on a tripod, said camera of whichever type being in physical proximity to the physical merchandise being viewed.

64. The method of claim 49, wherein said at least one remote ordering sub-system communicates with said at least one said seller Purchase Appliance or seller on-site computer by means of at least one of a direct wire, infrared signal transmission, optical signal transmission, or laser signal transmission.

65. The method of claim 49, wherein said at least one remote ordering sub-system is located or operated in a buyer's home.

66. The method of claim 49, further comprising: remotely operating a closed circuit television purchasing system including operating enabled cameras mounted on a track, in a dome, or on a stand, to pan, tilt, or zoom, signals from the cameras being processed or digitally recorded, thereby allowing real-time interactive online viewing of at least one real-time interactive show-room.

Claims 26, 50, 67, 68 and 69 should be cancelled as obvious (and a different invention). Claims 28, 29, 30, 31, 32, 34, 35, 36, 38, 53, 54, 55, 56, 57, and 61 should be cancelled as adding nothing to the independent claims from which they depend.

And in the first page of the spec, "60/3033,532" should be "60/133,532"!

On the third page of the spec, line 12, "Only 305 percent" should presumably be "Only 35 percent". In the first and third line page 3, "sthece" should be "source".

Applicant may wish to add further claims, as follows:

70. The system of claim 25, wherein said buyer Purchase Appliance is a buyer Volume Purchase Rebate Appliance, whereby the buyer receives rebates on volume purchases of merchandise and/or services.

71. The system of claim 25, wherein said second account of said buyer comprises at least one financial investment instrument, and said second account of said buyer comprises at least one IRA account.

72. The system of claim 43, wherein said buyer Purchase Appliance is a buyer Volume Purchase Rebate Appliance, whereby the buyer receives rebates on volume purchases of merchandise and/or services.

73. The system of claim 43, wherein said account for the benefit of said buyer in retirement comprises at least one financial investment instrument, and said account for the benefit of said buyer in retirement comprises at least one IRA account.

74. The method of claim 49, wherein said buyer Purchase Appliance is a buyer Volume Purchase Rebate Appliance, the method further comprising the buyer receiving rebates on volume purchases of merchandise and/or services.

75. The method of claim 49, wherein said second account of said buyer comprises at least one financial investment instrument, and said second account of said buyer comprises at least one IRA account.